



## *New Motor Vehicle Board*

# *In-Site*

April 2005

A Publication of the California New Motor Vehicle Board

05.2 Edition

## **BOARD ELECTS 2005 OFFICERS**



David W. Wilson, President



Alan J. Skobin, Vice President

**A**t the New Motor Vehicle Board meeting held on January 26, 2005, in Los Angeles, the Board unanimously elected David W. Wilson as President of the Board, and Alan J. Skobin as Vice President. Mr. Wilson succeeds Glenn E. Stevens, who served two terms as President.

Mr. Wilson has served on the New Motor Vehicle Board since February 2000. Mr. Wilson is a 1970 graduate of the University of Northern Iowa, and has been involved in the automobile business for over 30 years. He is the owner and President of twelve automobile dealerships, employing over 1,500 people. He has owned and operated several award-winning automobile dealerships including, Toyota of Orange, Toyota of Huntington Beach, Toyota of Riverside, Desert Lexus and Tustin Lexus. Mr. Wilson is the past President of the Southern California Toyota Dealers Advertising Association. He has been a member of N.A.D.A., and the American International Automobile Dealers Association ("A.I.A.D.A.") for the past 15 years, and has served on the National Board of Directors of A.I.A.D.A. Mr. Wilson was the recipient in 1988 of the "Dealer of Distinction Award" from Sports Illustrated magazine and received the Time magazine "Quality Dealer Award" in 1991 and 2005. A former Boy Scout, Mr. Wilson serves on the Board of Directors of the Orange County Council of the

Boy Scouts of America, and is the Chairman of their annual golf tournament, which raises in excess of \$100,000 annually for Scouting. He was appointed to the Board by former Governor Gray Davis in February 2000, and reappointed on May 1, 2003, with his term expiring on January 15, 2007.

Alan J. Skobin, also a dealer member, has served in his current term since March 2001. Mr. Skobin previously served on the Board from 1994 to 1997, and during that tenure was elected Board President and served as a member of the Judicial Policy & Procedures Committee. Mr. Skobin is currently a member of the Executive Committee. Mr. Skobin is Vice President and General Counsel, as well as a Director for Galpin Motors, Inc., in North Hills, California. He also holds similar positions with Galpin Jaguar, Lincoln Mercury, Mazda, Volvo and Aston Martin dealerships, as well as Saturn of the Valley. He has been part of the Galpin organization since 1977. Mr. Skobin has an outstanding record of government and community service. He is a founding member of the board of directors of the Los Angeles County Sheriff's Youth Foundation, is a member of the Los Angeles Police Commission, and a Board Member of the Los Angeles Business Council. A brain tumor and cancer survivor himself, Mr. Skobin and his family actively support Padres Contra El Cancer, a nonprofit organization that improves the quality of life for children with cancer and their

(see Officers, page 3)

## **THREE NEW ALJs JOIN BOARD**

**T**he Board is pleased to announce the appointment of three Administrative Law Judges and welcomes them to the staff. The three: Judge Richard J. Lopez, Judge Jerold A. Prod, and Judge Norman Gregory (Greg) Taylor, have broad legal backgrounds and a wealth of legal expertise and experience, as illustrated in the brief biographical material that follows.

**Judge Richard J. Lopez** graduated from the University of Southern California, Los Angeles in 1958 with

(see ALJs, page 3)

# JANUARY 26, 2005 GENERAL BOARD MEETING HIGHLIGHTS

The New Motor Vehicle Board ("Board") held a General meeting on January 26, 2005, in Los Angeles, California. Several topics were discussed during the meeting, including consideration of the Proposed Decision After Remand, by the Public Board members, in *S & C Motors, Inc., dba S & C Kia v. Kia Motors America, Inc.*, Protest No. PR-1894-04. The Protestant alleged that Kia failed to pay \$100,000 under a franchisor incentive program. At the December 16, 2004, Special meeting, the Proposed Decision recommended dismissal of the Protest for lack of jurisdiction and made a determination that the agreement between the parties was not a franchisor incentive program. This matter was remanded to the ALJ for a decision on the substantive merits of the protest with instructions that the agreement did meet the requirements of a franchisor incentive program. The Proposed Decision After Remand was unanimously adopted by the Public members and sustained the protest.

Other topics discussed included a report on the successful completion of a number of administrative projects by the Board staff, and a report on various administrative

topics raised by the Board including the processing of checks electronically, the feasibility of a Spanish language website (which will be carried over to a future meeting), DMV training for Board staff, and the volume and type of mediation phone calls received.

The members approved the revised *Informational Guide for Manufacturers and Distributors* which is available on the Board's website or upon request. Also, the members reviewed the Board adopted policies and were provided the following summary of new policies that were approved in 2004:

- The gift amount that Board members may accept from any single source was increased to \$360.00.
- The Board adopted the use of a Mediation Checklist for Recreational Vehicle Jurisdiction when dealing with complaints from the public regarding RVs.
- Cara Peralta's authority as a Settlement Conference Administrative Law Judge was extended to include nonsubstantive procedural matters such as ordering discovery and hearing dates.
- Anthony Skrocki was designated the Law and Motion Administrative Law Judge responsible for hearing all pre-hearing and discovery motions.
- The Board ALJs who preside over merits hearings will be assigned on a rotational basis at the Hearing Readiness Conference utilizing an assignment log.
- The policies concerning the Board's exercise of jurisdiction and collection of the annual Board fee and Arbitration Certification Program fee for all-terrain vehicle dealers and

(see, General Meeting page 4)



*State of California*  
Arnold Schwarzenegger, Governor

#### Officers

David W. Wilson,  
President  
Alan J. Skobin,  
Vice President

## IN-SITE

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#### Department of Motor Vehicles

Joan Borucki, Director

#### New Motor Vehicle Board

#### Members

Robert Branzuela  
Robert T. (Tom) Flesh  
David C. Lizárraga  
Haig Papaian  
Andy Robles  
Sushil K. Sharma  
Glenn E. Stevens



*Business, Transportation  
and Housing Agency*  
Sunne Wright-McPeak, Secretary

#### Executive Director

Tom Novi

#### General Counsel

Howard Weinberg

#### Senior Staff Counsel

Robin P. Parker

#### Staff Counsel

Cara M. Peralta

Questions or comments: nmvb@pacbell.net

(ALJs, cont'd from page 1)

a Bachelor of Science degree in Civil Engineering. In 1965 he was awarded a juris doctorate from the University of California, Los Angeles. He completed numerous post graduate law courses with the National Judicial College, University of Nevada, Cambridge University in Cambridge, England, and Trinity College in Dublin, Ireland.

Prior to his legal career, Judge Lopez was a Construction Engineer with Tidewater Oil and Broadway Hale, and a Ballistic Meteorologist with the United States Army. In his legal career in state government, he worked as a staff attorney for the Department of Transportation, from 1965 to 1980, specializing in the areas of eminent domain and personal injury. In 1980, he became an Administrative Law Judge for the Office of Administrative Hearings, where he remained until his retirement in 2001. Judge Lopez lives in Westlake Village, California.

**Judge Jerold A. Prod** has served during five state administrations, having been appointed to various executive positions by Governors Wilson, Deukmejian, Brown and Reagan. From 1973-1997, he held the positions of deputy director, chief deputy director, department director, and board chairman in various state departments such as Social Welfare, Health, Education, Industrial Relations, Social Services, and Corrections

From 1965 to 1973, Judge Prod worked as a Deputy Attorney General representing some two dozen state agency clients litigating cases before various tribunals including the United States and California Supreme Courts. His areas of practice included administrative law, probate, pensions and retirement, education, worker's compensation, personnel and licensing, and criminal appeals.

From 1997 to 2002, he served as an Administrative Law Judge for the Department of Social Services and has heard and decided hundreds of disputes of varying degrees of complexity.

Judge Prod is currently an Administrative Law Judge, pro tem, for the Department of Social Services. Judge Prod lives in Sacramento, California.

**Judge Norman Gregory (Greg) Taylor** attended the University of Southern California, where he graduated Magna Cum Laude in 1957 with a Bachelor of Arts degree. He then attended New York University School of law, graduating in 1960.

From 1961 to 1990, Judge Taylor worked in the Attorney General's Office as a Deputy Attorney General, working his way up to a Senior Assistant Attorney General.

At the Attorney General's office, Judge Taylor became a public land use expert in the Public Rights Division, dealing with varied and complex issues of land conservation and development. More recently, Judge Taylor worked for the Metropolitan Water District of Southern California as Executive Assistant to the General Manager from 1990 to 1993, and as General Counsel from 1993-2000. He is currently the Chair of the Board of Directors for the California Bear Federal Credit Union.

In 2000, Judge Taylor became an Administrative Law Judge, pro tem, for the Office of Administrative Hearings, where he has conducted well over 200 hearings of varying degrees of complexity. Judge Taylor lives in Northridge, California.

(Officers, cont'd from page 1)

families. Mr. Skobin earned a Bachelor of Arts Degree from California State University, Northridge, and a Juris Doctorate degree cum laude from the University of LaVerne Law School, San Fernando Valley campus. He is a member of the Los Angeles County Bar Association, where he has served on the Judicial Elections Evaluation Committee, the San Fernando Valley Bar Association, and the American Bar Association. Mr. Skobin is also a member of the American Cooperative Counsel Association. Appointed to the Board by former Governor Gray Davis, Mr. Skobin's current term expired on January 15, 2005, and he is in his one-year grace period.

## CALIFORNIA MOTORCYCLE DEALERS ASSOCIATION LEGISLATORS RECEPTION

The California Motorcycle Dealers Association ("CMDA") hosted an event at the Hyatt Regency Hotel the evening of Monday, March 14, 2005. The function was held as an opportunity for motorcycle dealers to meet with their legislators. John Paliwoda, Executive Director of CMDA, graciously involved Board staff, Executive Director, Tom Novi and General Counsel, Howard Weinberg, who attended the event. Mr. Paliwoda noted that the event provided an excellent opportunity for motorcycle dealers and legislators to discuss legislative issues affecting dealers as well as an opportunity for legislators to better understand the motorcycle industry in general.



(General Meeting, cont'd from page 2)

manufacturers were mooted in light of legislation effective January 1, 2005, that licenses these entities by the Department of Motor Vehicles.

- The Employee Recognition Award program was renamed the Solon C. Soteris Employee Recognition Award.

- The Mission and Vision statements were revised to ensure that they accurately reflect the Board's current responsibilities.

The members also approved amendments to the Board's regulations that implement minor changes that cleanup and clarify existing regulations. Those changes are as follows:

- Section 550(k) is being added to define "protestant." There is no definition of protestant in the regulations; however, both petitioner and respondent are defined. This amendment would provide the missing definition.

- Section 551.11 is being amended to reflect that Mandatory Settlement Conference Statements are required prior to the commencement of a Mandatory Settlement Conference (MSC). Currently, the Board issued Notice of Mandatory Settlement Conference requests the submission of a settlement conference statement five business days prior to the actual MSC. The amendment is being proposed to formalize this practice in a regulation.

- Section 551.12 is being amended to delete obsolete references to the timing of assigning Administrative Law Judges in the event of a peremptory challenge. Due to enhancements in the assigning of ALJs, this amendment is necessary to delete obsolete language in subdivision (e). Subdivision (h) is being amended to reflect that ALJs are assigned 30 days in advance of hearing.

- Sections 550, et seq. are being amended to delete references to "his" and insert "its" where appropriate. These amendments are being proposed to make the Board's regulations gender neutral.

The meeting wrapped up with the election of officers – David Wilson as Board President, and Alan Skobin as Board Vice President.

## NAMVBC 29<sup>TH</sup> ANNUAL BREAKFAST MEETING

**T**he National Association of Motor Vehicle Boards and Commissions (NAMVBC) held its Annual Workshop and Breakfast Meeting in New Orleans, Louisiana, January 29 through January 31, 2005. Tom Novi, New Motor Vehicle Board Executive Director and treasurer of the

NAMVBC, gave his yearly treasurer's report. The workshop provided a forum for the exchange of information and ideas of common interest to the various motor vehicle board and commission members who attended.

Sunday's workshop meeting was called to order at 9:00 am. The speakers included Tom Novi, Executive Director of the New Motor Vehicle Board, who offered a presentation on Dealer Diversity in the Automotive Industry, and Jim Moran of Jim Moran and Associates, who discussed F&I programs and legal compliance. The meeting progressed well into the afternoon with discussions regarding emerging issues in the automotive industry. Monday's breakfast meeting featured keynote speaker Jack Kain, owner of Jack Kain Ford Inc. in Versailles, Kentucky, and chairman of the National Automobile Dealers Association ("N.A.D.A.").

The NAMVBC meeting was held in conjunction with the NADA 2005 Convention. The show hosted approximately 28,000 attendees and provided over 600 exhibits. Throughout the four day show, 49 innovative and resourceful workshops were offered on topics involving significant industry issues.

The New Motor Vehicle Board was represented at both functions by Executive Director Tom Novi, and at the NADA Convention by Board President David Wilson, Vice President Alan Skobin, and Board members Robert Branzuela, Tom Flesh, and Glenn Stevens.

## BOARD PRESIDENT, DAVID WILSON AWARDED TIME MAGAZINE QUALITY DEALER OF THE YEAR

**D**avid Wilson, Board President, was selected as a Quality Dealer of the Year by Time magazine January 29, 2005, at the National Automobile Dealers Association Convention in New Orleans, Louisiana. The national award recognizes outstanding new-car dealers for exceptional performance in his dealerships and distinguished community service. It is co-sponsored by Time and Goodyear Tire and Rubber Company in cooperation with N.A.D.A. Congratulations, Dave!

## MARCH 8, 2005 GENERAL MEETING HIGHLIGHTS

The New Motor Vehicle Board ("Board") held a General meeting on March 8, 2005, at the Board's offices in Sacramento. Several topics were discussed during the meeting, including the annual review of the mission and vision statements; the implementation of accepting credit card payments for filing and other fees; a status report on the transcript policy that allows litigants to purchase hearing or meeting transcripts directly from the court reporter; Board member education; the consideration of dealer/manufacturer board fee adjustments; and other topics of general interest. This was the first meeting of the year that was conducted by President, David Wilson. Glenn Stevens, immediate past President, was presented with a plaque by Executive Director, Tom Novi, recognizing his outstanding and distinguished service as President from 2003 to 2005.



Tom Novi, Executive Director and Glenn Stevens, Past President

## CMCDA DEALER DAY

The California Motor Car Dealers Association ("CMCDA") held its annual Dealer Day meeting on Tuesday, March 8, 2005, at the Hyatt Regency in Sacramento. The event focused on legislation affecting dealers, the impact on dealers, and the economic benefit of dealers within their communities.

The session began with a presentation from keynote speaker, Tom Campbell, Director of the California Department of Finance, who serves as the Governor's chief fiscal advisor. He discussed various phases of the development and implementation of California's state budget.

The Honorable Senator Jackie Speier (D-San Mateo/San Francisco), also spoke on pending legislation that directly affects California car dealers. At the conclusion of the presentations, dealers walked across the street to the State Capitol to meet with their legislators and discuss legislation of interest to the industry. The dealers focused on AB 68 (Montanez), the Car Buyer's "Bill of Rights", AB 1163 (Yee), dealing with certified after-market crash parts" AB 1229 (Nation), concerning greenhouse gas emissions labels, ACR 6 (Koretz), recognizing Financial Literacy Month, SB 504 (Alquist), requiring thumbprint from customers, SB 637 (Speier), establishing a Car Buyer's Restitution Fund, and SB 852 (Bowen), concerning notification of security breach of data on personal information.

Board President David Wilson, Vice President Alan Skobin, Board members Glenn Stevens, Robert Branzuela, Tom Flesh, Haig Papaian, Andy Robles, and Sushil Sharma, attended the Dealer Day functions along with various Board staff. Former Board members Joseph Putnam and Fritz Hitchcock also attended the CMCDA event.

## 2005 COMMITTEE ASSIGNMENTS

At its January 26, 2005, General meeting, the following committee assignments were made by Board President, David W. Wilson:

### **Executive Committee**

David W. Wilson, President  
Alan J. Skobin, Vice President

### **Administration Committee**

Robert Branzuela, Chair  
Glenn E. Stevens, Member

### **Board Development Committee**

Haig Papaian, Chair  
Tom Flesh, Member

### **Fiscal Committee**

Sushil Sharma, Chair  
Andy Robles, Member

### **Government and Industry Affairs Committee**

Tom Flesh, Chair  
Glenn E. Stevens, Member

### **Policy and Procedure Committee**

Andy Robles, Chair  
David C. Lizárraga, Member

## UPCOMING BOARD MEETINGS

### General Board Meeting

\*April 20, 2005  
Indian Wells

### Special Board Meeting

\*April 21, 2005  
Indian Wells



### General Board Meeting

\*July 7, 2005  
Sacramento

### Special Board Meeting

\*July 7, 2005  
Sacramento  
RV Dealer Tour

(\*Board Meeting dates and locations are subject to change. A meeting agenda with time and location details is mailed 10 days prior to the meeting and is posted on the Board's website.)



## BOARD NOW ACCEPTS CREDIT CARDS

The New Motor Vehicle Board is now accepting credit card payments for Board filing fees and document request charges through Visa, Mastercard, Discover and American Express. If you are interested in using this type of payment the next time you do business with the Board, simply have your credit card information handy. We can accept credit cards over the phone or in person. For more information, call the Board's offices at (916) 445-2080.

### ***REVENUE***

NEW MOTOR VEHICLE DEALER	
Annual Fee:	\$ 393,752.00
NEW MOTOR VEHICLE BOARD	
Manufacturer/Distributor Annual fee:	758,311.46
NEW MOTOR VEHICLE BOARD	
Filing fees:	6,400.00
Document Requests:	8,925.80
Arbitration Cert. Program Reimbursement:	-0-
July through January 2005	\$ 1,167,389.26

## BOARD'S VICE PRESIDENT ALAN SKOBIN RECEIVES RESERVE OFFICER OF THE YEAR AWARD

The Los Angeles County Sheriff's Department (LASD) has chosen Reserve Commander Alan J. Skobin to receive the Reserve Officer of the Year Awards.

Serving as a Reserve Commander, the award noted that Mr. Skobin has been a dedicated and hardworking Level 1-D Reserve for 32 years. He began as a Reserve Police Officer with the San Fernando Police Department in 1973, later making a lateral transfer to the LASD in 1981. In 1995 he was transferred to the Task Force of Regional Auto Theft Prevention (TRAP) as an auto theft investigator. Mr. Skobin was promoted to Sergeant in 1995, Lieutenant in 1997 and served with TRAP in both those ranks. In 2003, he was promoted to the rank of Reserve Commander. He received the LASD Distinguished Service Award in 2001 and the Meritorious Service Award from the California Reserve Peace Officers Association in 2004.

Mr. Skobin has distinguished himself not only with the LASD with over 20 years of dedicated service but he also serves as a role model to all citizens most especially Reserve Officers with his demonstrated leadership as Vice President of the Los Angeles Board of Police Commissioners. Mr. Skobin is a dedicated community leader who embodies the finest traditions of the Los Angeles Sheriff's Department through his leadership, competence, dedication, integrity and self-less service.